

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: Original
POSITION: Neutral

BILL NUMBER: SB 136
AUTHOR: Wiener, Scott

BILL SUMMARY: Sentencing.

This bill removes the one-year sentence enhancement for each prior felony for which the individual served a prison or jail sentence, specifically as it applies to an individual who commits a new non-violent felony.

FISCAL SUMMARY

The California Department of Corrections and Rehabilitation (CDCR) indicates in March 2019, there were 10,995 offenders with enhancements related to previous prison or felony jail terms. However, each offender could have multiple enhancements. As of December 2018, there were a total of 15,422 enhancements. By removing these enhancements, this bill could result in shorter lengths of prison stays which may result in General Fund cost savings. CDCR estimates savings of \$20,561,000 General Fund in 2020-21, \$42,790,000 in 2021-22, and \$68,527,000 in 2023-24.

CDCR is required by order of the United States Supreme Court to maintain prison crowding at or below 137.5 percent of the prison system's design capacity. California's institutions are currently below the court-ordered population cap of 137.5 percent. This bill may help further reduce the state prison population.

COMMENTS

The Department of Finance is neutral on this bill.

Existing law states a one-year sentence enhancement will be imposed for each prior prison or felony jail term for a person sentenced for a non-violent felony. If the person is being sentenced for a violent felony, existing law imposes a three-year sentence enhancement per prior prison or felony jail term.

This bill removes the one-year sentence enhancement applied to a current non-violent crime for each previous prison or felony jail term served.

According to the author's office, this bill repeals the one year enhancement because it does not deter crime, is not effective at lowering recidivism rates, has failed to show any positive value for increasing public safety, and costs state and local government hundreds of millions of dollars each year.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2019-2020	FC	2020-2021	FC	2021-2022	Code
5225/Corr Rehab	SO	No	C	0	C	-20,561	C	-42,790	0001

Analyst/Principal (0235) L. Ishimoto/M. McClain	Date	Program Budget Manager Amy Jarvis	Date
Department Deputy Director			Date
Governor's Office:	By:	Date:	Position Approved _____ Position Disapproved _____
BILL ANALYSIS			Form DF-43 (Rev 03/95 Buff)